

REMARKS

Claims 24-29 and 31-38 are pending in the application with claims 24, 25, 29, 32 and 37 being independent claims. Applicants respectfully request reconsideration of the Application in light of the above amendment and the following remarks.

Double Patenting Rejection

Claims 24-29 and 31-38 stand rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent Nos. 6,478,038 and 6,595,227. Claims 24-29 and 31-38 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent Application No. 2003/00222484. Applicants will file a Terminal Disclaimer to overcome the double patenting rejection upon indication of allowable subject matter in the application.

Specification

The Examiner suggested that the Abstract contained improper language. Applicants have amended the Abstract.

Rejections Under 35 U.S.C. 112

Claims 24-28 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicants regard as the invention. While Applicants do not acquiesce to the Examiner's statement that claim 24, as originally presented, was not clear, Applicants have amended claim 24 to advance prosecution of the application. Applicants have also amended claim 25 to address the antecedent basis issue raised by the Examiner.

The Claims are Patentable over the Kellogg Patent

Claims 25, 26, 29, 36 and 37 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,992,045 to Kellogg et al. (“the Kellogg patent”). The Kellogg patent discloses a frame having a mesh web stretched over the frame and a strap having free ends that can be coupled together such that the frame can be moved to a particular shape.

The Examiner states that the Kellogg patent includes “a tension member and an extension member (inclusive of members 50 and 60).” Members 50 and 60 of the device of the Kellogg patent cannot be considered both a tension member and an extension member. Neither member 50 or 60 alone can provide any tension whatsoever. At most, the Kellogg patent discloses straps 50 and fasteners 60, which when attached together apply tension to the frame. The Kellogg patent, however, at least fails to disclose or suggest “an extension member coupled to at least one of the tension member and the membrane and configured to maintain an orientation of the sunshade” as recited in independent claim 25. Likewise, the Kellogg patent fails to disclose “an extension member coupled to at least one of the tension member and the membrane and configured to maintain an orientation of the apparatus” as recited in independent claim 29. Further, the Kellogg patent fails to disclose “coupling an extension member to the tension member and the membrane, the extension member configured to maintain an orientation of the sunshade” as recited in independent claim 37. For at least these reasons, independent claims 25, 29 and 37 are allowable. Based at least on their dependence upon independent claims 25 and 29, dependent claims 26 and 36 are also allowable.

The Claims are Patentable over the Wang Patent

Claim 25 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,632,318 to Wang (“the Wang patent”). The Wang patent discloses a sun shield for covering

multiple windows of an automobile. The Wang patent includes a pair of flexible frames 20 disposed next to each other in a central panel and two side panels extending from the central panel. The Wang patent, however, fails to disclose or suggest of “a tension member coupled to the membrane, the tension member being dimensioned such that the frame member is in the curved configuration” as recited in independent claim 25. Moreover, the panel of the Wang patent is not in a curved configuration as recited in claim 25. For at least these reasons, independent claim 25 is allowable over the Wang patent.

The Claims are Patentable over the Kellogg Patent in view of the Wang Patent and the Paroussiadis Patent

Claim 24 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Kellogg patent in view of the Wang patent. Both the Kellogg patent and the Wang patent, either alone or in combination, fail to disclose “a first frame[,] a second frame, the second frame being collapsible; and a covering coupled to the second frame, the second frame and the covering together formable as an enclosure . . .” as recited in independent claim 24. For at least this reason, independent claim 24 is allowable over the Kellogg patent and the Wang patent, either alone or in combination.

Claims 27, 28, 31-36 and 38 stand rejected under 35 U.S.C. 103(a) as being unpatentable over the Kellogg Patent in view of European Patent No. 202,862 to Paroussiadis.

Dependent Claims 27, 28, 31 and 38

Dependent claims 27, 28, 31 and 38 are allowable at least because of their dependence upon independent claims 25, 29 or 37, which are allowable over the Kellogg patent for the reasons discussed above.

Independent Claim 32 and its Dependent Claims

The Kellogg patent and the Wang patent fail to disclose or suggest, either alone or in combination “an extension member coupled to at least one of the tension member and the membrane and configured to maintain an orientation of the apparatus” as recited in independent claim 32. For at least this reason, independent claim 32 is allowable over the Kellogg patent and the Wang patent, either alone or in combination. Based at least on their dependence upon independent claim 32, dependent claims 33-36 are also allowable.

Conclusion

All rejections have been addressed. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,
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